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TAGS: [PHUM](#) [PREL](#) [KDRG](#) [PTER](#) [TS](#)
SUBJECT: GOT SEEKS RETURN OF TUNISIAN GUANTANAMO DETAINEES

REF: A. TUNIS 399
 [1](#)B. TUNIS 32
 [1](#)C. 08 TUNIS 1137
 [1](#)D. 08 TUNIS 1110
 [1](#)E. 08 TUNIS 1052
 [1](#)F. 08 SECTO 8

Classified By: Ambassador Robert F. Godec, Reasons 1.4 (b) and (d)

[1](#)1. (S) Summary: Saying he was acting at the request of President Ben Ali, Foreign Minister Abdallah told the Ambassador late June 18 that the GOT would like the United States to return all Tunisian Guantanamo detainees to Tunisia. Sending Tunisians to third countries (Italy, Germany and most recently Spain) is not acceptable: doing so would give the impression Tunisia will not take them and/or that Tunisia will mistreat them. Abdallah repeated previous assurances about appropriate treatment of transferees but ruled out any US Government access to the prisoners after transfer. He said that President Ben Ali had repeated to Abdallah that morning that the GOT would release the detainees if the United States wished. The Ambassador said he would inform Washington of the GOT's request and asked, once again, for access to the first two detainees and all future transferees. Mission recommends that Washington agencies consider offering to transfer the Tunisians detainees, but only if the GOT agrees to unrestricted access to them. While access would not provide an absolute guarantee of appropriate treatment, it would offer some additional protection to the transferees. End Summary

Transfers to Third Countries Unacceptable

[1](#)2. (S) The Ambassador was convoked late June 18 by Foreign Minister Abdelwaheb Abdallah who expressed Tunisian concern with reports that the United States was seeking to transfer Tunisian citizen Guantanamo Bay detainees to European countries including Italy, Germany and possibly to Spain. One or more of the countries had notified the GOT about the possibility. Abdallah said that transferring Tunisian detainees to other countries is not acceptable: doing so would give the impression Tunisia will not take them and/or that Tunisia will mistreat them.

3 (S) Tunisia wants the return of its detained citizens and would try them as appropriate in public trials open to both domestic and foreign observers Abdallah said. He added the GOT would provide them all the rights and guarantees provided to Tunisian prisoners, including access by their families and attorneys, repeating language previously used (rfs. D-F). He noted that Tunisia is a signatory to all the relevant conventions and that for four years the International

Committee of the Red Cross has had access to all detention centers in the country (Comment: see ef A in which the ICRC states it does not have access to all Ministry of the Interior facilities. The US Government's unwillingness to transfer detainees to Tunisia suggests that the GOT is not reliable and runs a country that does not respect the law. The Minister said that Tunisia is not Siberia in the days of the Soviet Union. If the United States believes that Tunisia has problems such as torture or mistreatment, President Ben Ali previously offered to then Secretary Rice to release the Guantanamo detainees. In fact he repeated the proposal that very morning to Abdallah, the Minister stated. Abdallah added that there was no reason for the GOT to mistreat returned detainees even if any crimes they may have committed occurred outside of Tunisia.

USG Access Not Possible

¶4. (S) Abdallah asked the Ambassador to convey his demarche to Washington with "insistence", adding he has asked Ambassador Mansour to deliver the same demarche in Washington. The question that is raised when reports suggest that the Tunisians are to be sent to third countries is whether the GOT refused them. Abdallah recalled that Secretary Rice had asked for Embassy access to the two detainees that had been previously returned. Abdallah repeated previous statements (refs. B-E) that Tunisian law does not permit such access and that it was not possible to establish such a precedent. He noted that the most reports of torture have emanated from Guantanamo, which in itself was hard to accept, and that American reasoning about the detainees in Tunisia was not very logical. He said it was in the interest of both countries and good relations for the United States to reconsider its approach to third countries. He added that the new Administration had shown lots of understanding of the region, created many openings and adopted fresh perspectives. Abdallah called on the United States to look at the Tunisian request with goodwill and attention. If the United States has questions, they would answer. Abdallah noted that he was raising this matter after President Ben Ali had asked him to speak to "our American friends."

Access Would Help

¶5. (S) The Ambassador promised to transmit Abdallah's demarche faithfully to Washington. The US Government was seized with the issues surrounding the decision to close the Guantanamo Bay detention center. The Ambassador said he was aware of press reports of possible transfers of Tunisians, had no official information to convey on the issue, but would request it. The Minister confirmed that other countries had already raised it with him. The Ambassador replied that there have been allegations of mistreatment of one of the detainees previously transferred, notably during the initial detention (garde a vue) period. The allegations were an important problem. The US Government being permitted to have contact with the detainees after they are transferred could be helpful, and that many countries permitted such contact.

¶6. (S) The Minister asked "unofficially" whether the Ambassador truly believed that allegations of mistreatment would stop even if the United States had regular access to the prisoners. He added that there would always be such allegations saying that it is part of Al-Qaida's tactics to assert such mistreatment as part of their propaganda. They used such allegations to justify their calls for violence against Tunisia, Saudi Arabia and Egypt saying that they were fighting the violence of those governments. Prison visits will not make the claims go away. The Ambassador replied that the torture conventions imposed a continuing obligation on the United States after any transfer is made.

¶7. (S) Abdallah called the logic of a continuing responsibility hard to accept especially given that the original arrests and detentions were very doubtful and

outside a juridical framework. The United States should reconsider for the situation is unacceptable and gives the impression that Tunisia does not want its citizens. Abdallah said he had told then Under Secretary Nicholas Burns that they would take any Tunisian citizen no matter how undesirable the individual was and noted to the Ambassador that the concept of banishment from a country had been eliminated in the 19th century and is not acceptable in the modern age. He closed by saying that he had been amazed that Secretary Rice had called him about Guantanamo just two weeks before leaving office and that he hoped the issue can be finally closed.

Public Statement Issued

18. (U) In an article dated June 18, the official Tunis Afrique Press press agency released a statement by the Ministry of Justice and Human Rights that followed the lines of the Minister's comments but uses some strong language with respect to the United States and unnamed (European) countries. The communique praises the closing of the Guantanamo detention center while describing it as having violated the detainee rights. It alleges that the aim of third country transfers is designed to hide the abuses that the detainees suffered while in detention and the complicity of countries that helped facilitate transfers to Guantanamo. It rejects allegations that human rights are violated in Tunisia. It points out that detention in Guantanamo does not necessarily translate to detention in Tunisia and that the two previous transferees had sentences levied against them in absentia reduced on appeal. The communique closes by citing a Tunisian who was returned to Tunisia from Canada as living in peace with his family despite allegations "from certain quarters" that he would be abused. The full text of the communique can be found at www.tap.info.tn/en.

Comment

19. (S) The fear of public embarrassment that would result

from the transfer of Tunisian detainees to third countries has the GOT very concerned. True to form, they are showing once again that they dislike anything that would publicly tarnish their oft-repeated image of perfection. Notwithstanding the tough line that the GOT has adopted on post transfer access, their public relations concerns may trump that position in the end. Mission recommends Washington agencies consider responding with a proposed transfer conditioned upon regular and guaranteed access by US Government personnel. If Washington decides to proceed with such an approach, it would be helpful if it were accompanied by a paper explaining international legal obligations. While it is possible the GOT may be unwilling to swallow that pill, their image concerns in an "election" year may sway them. Even if they accept that approach, we are under no illusion that would constitute an absolute guarantee of no mistreatment, especially in the first few days when the detainees are in MOI custody. Nevertheless, access would, we believe, offer some additional protection to transferees. Finally, we note as we have on previous occasions that if we transfer detainees, regardless of the assurances we receive from the GOT about their treatment, some international NGO's may make inflated claims of abuse and accuse the US Government of violating its international obligations. End

Comment

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